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10 Attorneys for Defendant and Counterclaimant
LIBERTY MUTUAL FIRE INSURANCE COMPANY

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 LARGO CONCRETE, INC., a California
14 Corporation; N.M.N. CONSTRUCTION,
INC., a California Corporation,

15 Plaintiffs,

16 v.

17 LIBERTY MUTUAL FIRE INSURANCE
18 COMPANY, a Massachusetts Corporation,
and DOES 1 through 100, inclusive.

19 Defendants.

20
21 AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)

Hon. Charles R. Breyer
[Complaint Filed: September 10, 2007]

**DECLARATION OF RON SKOCYPEC
FILED IN SUPPORT OF LIBERTY
MUTUAL FIRE INSURANCE
COMPANY'S REPLY BRIEF**

Date: December 21, 2007
Time: 10:00 a.m.
Place: Courtroom 8

DECLARATION OF RONALD J. SKOCYPEC

I, Ronald J. Skocypec, declare as follows:

1. I am an attorney at law duly admitted to practice before this court and an attorney in the law firm of Kring & Chung, LLP. I have personal knowledge of the facts set forth below and, if called and sworn as a witness, could and would testify competently thereto.

2. Over the past 22 years, I have been retained as outside counsel by defendant Liberty Mutual Fire Insurance Company ("Liberty Mutual") and its affiliates (collectively the "Liberty Mutual companies") on numerous occasions. Prior to my employment with Kring & Chung, I practiced law with Kern and Wooley LLP (February 1997 to September 2005) and Peterson & Bradford, LLP (September 2005 to March 2007). During my employment with Kern and Wooley and Peterson & Bradford, the firms served as outside coverage counsel for the Liberty Mutual companies. A significant part of my legal practice during that time involved representing the Liberty Mutual companies in litigated and non-litigated matters, including insurance coverage disputes, "bad faith" claims and other similar matters.

3. While working for Kern and Wooley and Peterson & Bradford, Susan Olson and I led the insurance practice group that primarily represented the Liberty Mutual companies. Lisa Hansen, Melodee Yee, Karen Gichtin and Craig Pynes were, at various times, also attorney members of the practice group at Kern and Wooley.

4. While employed at Kern and Wooley, I became very familiar with its document management database system. During my employment at Kern and Wooley, I routinely created, saved, retrieved and edited documents stored on that system. When I left Kern and Wooley in September 2005, the Kern and Wooley computer consultant downloaded, onto my external hard drive, electronic copies of all files for the Liberty Mutual companies and my other clients that were contained in Kern and Wooley's electronic database. The electronic file folders

1 reflect that they were added to my hard drive at various times between September 1, 2005 and
2 September 19, 2005. Since that time, the hard drive has been in my possession. To the best of my
3 recollection, none of the files were modified or deleted since Kern and Wooley downloaded them
4 onto my hard drive.

5
6 5. Attached to this declaration as Exhibit A is a true and correct copy of a
7 December 2003 Privilege Log that Craig Pynes worked on in December 2003, for the Tony's Fine
8 Foods v. Liberty Mutual matter while employed at Kern and Wooley. I retrieved the privilege log
9 from the hard drive described above, and I have not altered the document. The hard drive for the
10 privilege log has the following document profile: "245699, 0700\16608\59kz01!.WPD, CSP,
11 0700, 16608, MISC, WORDPERFECT, 12/26/2003, 16:49:48, privilege log/misc/TONY'S FINE
12 FOODS." The "CSP" identified in the profile is Mr. Pynes' user ID. The profile for the privilege
13 log does not identify any other user ID and does not show that any person, other than Mr. Pynes,
14 worked on the privilege log.

15
16 6. The Tony's Fine Foods matter concluded just prior to my departure from
17 Kern and Wooley. As a result, and because the file was closed, I did not take the paper file for
18 that matter with me to Peterson & Bradford. It is my understanding that the paper file may have
19 been destroyed by Kern and Wooley.

20 I declare under penalty of perjury, pursuant to the laws of the United States of
21 America, that the foregoing is true and correct.

22
23 Executed this 11th day of December 2007 at Westlake Village, California.

24
25
26
27 
28 RONALD J. SKOTYPEC

EXHIBIT A

Tony's Fine Foods v. Liberty Mutual Insurance Company

(K and W File No.: 0700.16608)

PRIVILEGE LOG AND REDACTED DOCUMENTS

Dated: December ____, 2003

IR = Irrelevant
AC = Attorney-Client Privilege pursuant to LAB Code §3762(b)
WP = Work Product Doctrine pursuant to LAB Code §3762(b)
P = Proprietary
C = Confidential
R = Privacy pursuant to LAB Code §3762(b)

DATE	LIBERTY BATES STAMP NO.	AUTHOR	RECIPIENT	COPIES	DOCUMENT TYPE	DESCRIPTION	PRIVILEGE/ PROTECTION
06/24/99	ROB-531-541	Donald Robinson	Unknown future potential employer	None	Employment Application	[Not dictated]	IR, R
08/02/02	ROB-581-584	Kenneth D. Martinson	Hector Barba	None	Letter	Contains private information re: applicant Donald Robinson.	IR, AC, WP, R
08/01/02	ROB-585-587	Kenneth D. Martinson	Hector Barba	None	Letter	An enclosed invoice, a description, billing and medical information.	IR, AC, WP, R
09/15/02	ROB-590-593	Kenneth D. Martinson	Hector Barba	None	Letter	Includes private information regarding applicant.	AC, WP, R
07/19/02	ROB-611-13	Kenneth D. Martinson	Hector Barba	None	Letter	Includes private client information.	AC, WP, R
Undated	ROB-642-50	None indicated	None	None	Deposition Worksheet	Outline of deposition questions.	IR, WP, P, C
03/07/02	ROB-651	Melissa Matovich	None-case report	None	Case Report	Attorney case report	AC, WP
04/01/99	ROB-652	Unknown	Unknown	None	Notes	Notes regarding file work-up	AC, WP
03/06/02	ROB-653	Melissa Matovich	Hector Barba	None	Letter	File handling information	AC, WP
03/07/02	ROB-654	Melissa Matovich	EDD	Hector Barba	Letter	Attorney privilege information pertaining to Liberty Mutual	IR, AC, WP
03/07/02	ROB-656-59	Melissa Matovich	Hector Barba	None	Letter	Work-up in anticipation of litigation	AC, WP
12/01/98	BRO-2219	J. Hessler	None	None	Claim Log	Reserve information	IR, P, C

Tony's Fine Foods v. Liberty Mutual Insurance Company
(K and W File No.: 0700.16608)
PRIVILEGE LOG AND REDACTED DOCUMENTS

DATE	LIBERTY BATES STAMP NO.	AUTHOR	RECIPIENT	COPIES	DOCUMENT TYPE	DESCRIPTION	PRIVILEGE/ PROTECTION
01/14/99	BRO-2219	J. Hessler	None	None	Claim Log	Reserve information	IR, P, C
03/08/99	BRO-2220	Heidrich	None	None	Claim Log	Reserve information	IR, P, C
04/24/99	BRO-2221	Schlemmer	None	None	Claim Log	Reserve information	IR, P, C
05/24/99	BRO-2221	Schlemmer	None	None	Claim Log	Reserve information	IR, P, C
07/19/99	BRO-2222	Schlemmer	None	None	Claim Log	Reserve information	IR, P, C
09/07/99	BRO-2223	Schlemmer	None	None	Claim Log	Reserve information	IR, P, C
10/28/99	BRO-2224	Schlemmer	None	None	Claim Log	Reserve information	IR, P, C
01/11/00	not dictated	Susan Kelly	None	None	Claim Log	Reserve information	IR, P, C
02/21/00	BRO-2225	Susan Kelly	None	None	Claim Log	Reserve information	IR, P, C
04/14/00	BRO-2225	Susan Kelly	None	None	Claim Log	Reserve information	IR, P, C
01/11/99	ELL-1218	J. Hessler	None	None	Claim Log	Reserve information	IR, P, C
07/21/98	ELL-1205	Unidentified claims adjuster	None	None	Claim Log	Reserve information	None
09/10/98	ELL-1216	J. Hessler	None	None	Claim Log	Reserve information	IR, P, C
11/18/98	ELL-1216	J. Hessler	None	None	Claim Log	Reserve information	IR, P, C
12/15/98	ELL-1216	J. Hessler	None	None	Claim Log	Reserve information	IR, P, C